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ILLINOIS COMMERCE COMMISSION

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ILLINOIS
COMMERCE COMMISSION
Docket No. 9-24 AM '02
APR 18
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Please provide the appropriate information in the () areas in the heading below.

BROADVIEW NP ACQUISITION CORP. :
D/B/A BROADVIEW NET PLUS :

Application for a certificate of :
Authority to operate as a facilities based :
and resold interexchange provider :
of telecommunications services in :
in the State of Illinois. :

02-0270

**APPLICATION FOR CERTIFICATE TO BECOME A
TELECOMMUNICATIONS CARRIER**
(Use additional sheets as necessary.)

GENERAL

1. Applicant's Name(including d/b/a, if any)

FEIN # 51-0402734

BROADVIEW NP ACQUISITION CORP. D/B/A BROADVIEW NET PLUS

Address: Street **59 Maiden Land, 27th Floor**

City **New York** State/Zip **NY 10038**

2. Authority Requested: (Mark all that apply)
- ☒ 13-403 Facilities Based Interexchange
- ☒ 13-404 Resale of Local and/or Interexchange
- ☐ 13-405 Facilities Based Local

3. Request for waivers/variances: In applications for local exchange service authority under Sections 13-404 or 13-405, waivers of Part 710 and of Section 735.180 of Part 735 are generally requested. In applications for interexchange service authority under Sections 13-403 and 13-404, waivers of Part 710 and Part 735 are generally requested. Please indicate which waivers Applicant is requesting and explain why Applicant is requesting each waiver/variance.

☒ Part 710 Uniform System of Accounts for Telecommunications Carriers

The Applicant respectfully requests waiver of 83 Ill. Admin. Code Part 710, which requires it to keep its books pursuant to Uniform System of Accounts ("USOA") principles. The Applicant requests that it be allowed to maintain its books and records in accordance with Generally Accepted Accounting Principles ("GAAP"). No other jurisdiction requires the Applicant to maintain its books pursuant to USOA principles. Therefore, without a waiver, the Applicant would be required to maintain two sets of books. This is an extremely onerous requirement, particularly because GAAP accurately reflects the Applicant's operations. Because the use of USOA principles would be unduly burdensome, and would provide little additional information to the Commission, a waiver of the USOA requirement is hereby requested.

- ☒ Part 735 Procedures Governing the Establishment of Credit, Billing, Deposits,
Termination of Service and Issuance of Telephone Directories for Local Exchange
Telecommunications Carriers in the State of Illinois

The Applicant respectfully requests waiver of 83 Ill. Admin Code Part 735, Procedures Governing Credit, Billing, Deposits, Termination of Service and Issuance of Telephone Directories for Local Exchange Telecommunications Carriers in the State of Illinois. This Part was adopted primarily to protect consumers from costly and unwarranted billing practices engaged in by monopoly telecommunications carriers. Realistically, as a new provider of resold interexchange telecommunications service in an intensely competitive market, wherein both regulators and consumers have begun to scrutinize providers closely, the Applicant will be unable to impose unfair practices upon unwitting consumers. Therefore, the Applicant respectfully requests that the Commission waive application of this Part.

- ☐ Sec. 735.180 Directories

For all applicants requesting local exchange authority under Section 13-404 or Section 13-405, please complete the following: **Not applicable.**

- (a) the Standard Questions for Applicants Seeking Local Exchange Service Authority found in Appendix A of this document
- (b) the 9-1-1 Questions for Applicants Seeking Local Exchange Service Authority found in Appendix B of this document;
- (c) the Financial Questions for Applicants Seeking Local Exchange Service Authority found in Appendix C of this document; and
- (d) if applicable, the Prepaid Service Questions for Applicants Seeking Local Exchange Service Authority found in Appendix D of this document.

5. In what area of the state does the Applicant propose to provide service?

The Applicant proposes to provide facilities-based and resold interexchange telecommunications service throughout the State of Illinois.

6. Please attach a sheet designating contact persons to work with Staff on the following:

- a) issues related to processing this application

**Katherine E. Barker
The KDW Group, LLC
1200 19th St., NW #500
Washington, DC 20036
Telephone: (202) 955-9669
Facsimile: (202) 955-9792**

Copies of all correspondence, notes, inquiries and orders should also be sent to the following person who is Applicant's initial contact person for all Application and regulatory filing issues:

**Ana Bataille
Manager, Regulatory Affairs
BVNPAC, inc. d/b/a Broadview Net Plus, Inc.
400 Horsham Road
Horsham, PA 19044
Telephone: (215) 293-8773
Facsimile: (215) 293-8750
Abataille@broadviewnet.com**

- b) consumer issues

Cassandra Monroe
Regulatory Coordinator
BVPNAC, Inc. d/b/a Broadview Net Plus, Inc.
59 Maiden Lane, 27th Floor
New York, NY 10038
Telephone: (718) 947-8851
Facsimile: (212) 400-1150

- c) customer complaint resolution

Cassandra Monroe
Regulatory Coordinator
BVPNAC, Inc. d/b/a Broadview Net Plus, Inc.
59 Maiden Lane, 27th Floor
New York, NY 10038
Telephone: (718) 947-8851
Facsimile: (212) 400-1150

- d) technical and service quality issues

Ana Bataille
Manager, Regulatory Affairs
BVNPAC, inc. d/b/a Broadview Net Plus, Inc.
400 Horsham Road
Horsham, PA 19044
Telephone: (215) 293-8773
Facsimile: (215) 293-8750
Abataille@broadviewnet.com

- e) "tariff" and pricing issues

Ana Bataille
Manager, Regulatory Affairs
BVNPAC, inc. d/b/a Broadview Net Plus, Inc.
400 Horsham Road
Horsham, PA 19044
Telephone: (215) 293-8773
Facsimile: (215) 293-8750
Abataille@broadviewnet.com

- f) 9-1-1 issues

Not applicable. By this Application, the Applicant seeks authority to provide facilities-based and resold interexchange telecommunications service only.

g) security/law enforcement

Ana Bataille
Manager, Regulatory Affairs
BVNPAC, inc. d/b/a Broadview Net Plus, Inc.
400 Horsham Road
Horsham, PA 19044
Telephone: (215) 293-8773
Facsimile: (215) 293-8750
Abataille@broadviewnet.com

Please identify each contact person's (i) name, (ii) title, (iii) mailing address, (iv) telephone number, (v) facsimile number, and (vi) e-mail address.

7. Please check type of organization?

☐ Individual

☐ Partnership

☒

Corporation

Date corporation was formed

September 5, 2000, name changed March 5, 2002

In what state? **Delaware**

☐ Other (Specify)

8. Submit a copy of articles of incorporation and a copy of certificate of authority to transact business in Illinois.

A copy of the Applicant's Articles of Incorporation is attached hereto as *Exhibit A*. A copy of the Applicant's Certificate of Authority to transact business in the State of Illinois has been applied for and will be late filed as *Exhibit B*.

9. List jurisdictions in which Applicant is offering service(s).

BNP is not yet providing regulated telecommunications service in any jurisdiction.

10. Has the Applicant, or any principal in Applicant, been denied a Certificate of Service or had its certification revoked or suspended in any jurisdiction in this or another name?

☐ YES (Please provide details)

☒

NO

11. Have there been any complaints or judgements levied against the Applicant in any other jurisdiction?

☐ YES

☒

NO

If YES, describe fully. _____

12. Has Applicant provided service under any other name?

☐ YES

☒

NO

If YES, please list. _____

13. Will the Applicant keep its books and records in Illinois? ☐ YES ☒ NO

If NO, permission pursuant to 83 Ill. Adm Code Part 250 needs to be requested.

The Applicant respectfully requests that the Commission waive the requirements of 83 Ill. Admin. Code Part 250, and accordingly, that the Commission permit the Applicant to maintain its books, accounts, papers, records, memoranda, etc. at its corporate headquarters, in New York, NY, where all personnel responsible for the maintenance of these documents are located. Establishing and maintaining a location in the State of Illinois for the sole purpose of maintaining books, accounts, papers, records, memoranda, etc. would create a significant additional cost to the Applicant's operations, and would be unduly burdensome. The Applicant will be represented by a statutory agent in the State of Illinois for service of process, and will provide the Commission with access to its books, accounts, papers, records, memoranda, etc. upon request.

MANAGERIAL

14. Please attach evidence of the applicant's managerial and technical resources and ability to provide service. This may be in either narrative form, resumes of key personnel, or a combination of these forms.

The members of the Applicant's management team have significant experience in the critical functions of product development, sales and marketing, business management and finance. These individuals acquired such experience by their work in various segments of the business world prior to assuming their managerial roles in the development of BNP. The brief biographies of the Applicant's management team, attached hereto as *Exhibit C*, demonstrate the managerial and technical competence of the Applicant.

15. List officers of Applicant.

Vern M. Kennedy	President and CEO
Joel D. Gross	CFO and Executive Vice President
Terrence J. Anderson	Executive Vice President, Finance
Kenneth A. Shulman	Chief Technology Officer and Executive Vice President

16. Does any officer of Applicant have an ownership or other interest in any other entity which has provided or is currently providing telecommunications services? ☒ YES ☐ NO

If YES, list entity. **The Officers and Directors of the Applicant also oversee the operations of its parent company, Broadview Networks Holdings, Inc., and its affiliate Broadview Networks, Inc., both of which are engaged in the business of providing telecommunications services.**

17. How will Applicant bill for its service(s)? (At a minimum, describe how often the Applicant will bill for service and details of the billing statement.)

BNP intends to bill its customers directly. It plans to issue customer bills on a monthly basis, with charges itemized and otherwise in compliance with the rules and regulations of the Commission.

18. How does Applicant propose to handle service, billing, and repair complaints? (At a minimum, describe Applicant's internal process for complaint resolution, the complaint escalation process, the timeframe and process by which the customer is notified by Applicant that they may seek assistance from the Commission?)

In the case of a billing dispute, BNP will provide an escalating review procedure, enabling customers to resolve disputes as quickly as possible. Should the Applicant and the customer be unable to resolve the dispute, the customer will have the option to file a complaint with the Commission.

BNP recognizes that in today's market, customer service is critical to a successful telecommunications business strategy. For this reason, BNP intends to offer its customers a state-of-the-art customer service operation, providing a reliable and responsive point of contact for resolution of questions, concerns and

complaints. Customer service personnel will be responsible for resolving any customer issues that may arise, including service delivery, credit issues, network repair, and billing. These representatives will have direct access to BNP's key personnel as well as the essential contacts at its underlying carrier, ensuring ready availability of the resources necessary to solve the most common customer service issues. BNP has not yet completed implementation of its customer service operation; however, the Company is committed to providing its customers with seamlessly integrated customer service round the clock. For immediate personal assistance, customers may call 800-260-8766.

19. Will personnel be available at Applicant's business office during regular working hours to respond to inquiries about service or billing? ☒ YES ☐ NO

20. What telephone number(s) would a customer use to contact your company? **(800) 260-8766**

21. Will Applicant abide by all Federal and State slamming and cramming laws pursuant to Section 13-902 of the Public Utilities Act and Section 258 of the 1996 Telecommunications Act?

☒ YES ☐ NO

22. Please describe applicant's procedures to prevent slamming and cramming of customers?

The Applicant will abide by all federal and state slamming and cramming regulations and will establish procedures to prevent slamming and cramming, including obtaining LOAs or the use of third-party verification, as required.

23. If granted authority to operate as a local exchange carrier, will the applicant abide by the following 83 Illinois Administrative Code Parts: 705, 710, 720, 725, 730, 735, 755, 756, 757, 770, and 772?

☐ YES ☐ NO (If no, please provide an explanation.)

Not applicable. By this application, the Applicant seeks authority to provide facilities-based and resold interexchange telecommunications service only.

24. Is Applicant aware that it must file tariffs prior to providing service in Illinois?

☒ YES ☐ NO

FINANCIAL

25. Please attach evidence of Applicant's financial fitness through the submission of its most current income statement and balance sheet, or other appropriate documentation of applicant's financial resources and ability to provide service.

Copies of Applicant's financial statements are attached hereto as *Exhibit D*. Please note that the Applicant is a privately-owned company, and is not under any obligation to prepare or release its financial statements, ownership information, or specific customer projections in any state. Therefore, Applicant submits its financial statements *under seal*.

TECHNICAL

26. Does Applicant utilize its own equipment and/or facilities? ☒ YES ☐ NO

If YES, please list the facilities Applicant intends to utilize. Also include evidence that Applicant possesses the necessary technical resources to deploy and maintain said facilities:

However, at this time, Broadview has no plans to construct outside plant facility or loop distribution equipment. Broadview initially plans to provide local exchange services through the resale of other certificated LECs' services. Please see Exhibit C for a description of the Applicant's technical resources.

If NO, which facility provider(s)'s services does the Applicant intend to use?

The Applicant may resell the interexchange telecommunications services of any carrier appropriately certificated by the Commission. BNP has not yet identified or entered into negotiations and/or agreements with any of these entities.

27. Please describe the nature of service to be provided (e.g., operator services, internet, debit cards, long distance service, data services, local service, prepaid local service).

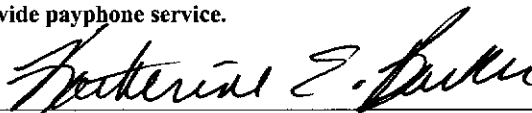
By this Application, BNP seeks authority to operate as a resold and facilities-based provider of intraLATA and interLATA interexchange telecommunications services to the public throughout the State of Illinois. Specifically, BNP requests authority to provide a selected range of 1+ interexchange services and data transmission services, including, but not limited to, MTS, private line, WATS, prepaid calling card, toll free, ISDN, and frame relay service products.

28. Will technical personnel be available at all times to assist customers with service problems?

☒ YES ☐ NO

29. If Applicant intends to provide payphone service, will the equipment utilized comply with FCC requirements and Finding (9) of the Commission Order entered in Docket No. 84-0442 on June 11, 1986, including, but not limited to: (a) touch dialing; (b) access to 9-1-1 and "0" operator dialing without use of a coin; (c) rules governing use of payphones by disabled persons; (d) ability to complete local and long-distance calls; (e) unlimited duration for local calls; and (f) a message explaining the telephone's general operations, dialing instructions for emergency assistance, payphone owner's name, method of reporting service problems and method of receiving credit for faulty calls? _____ YES _____ NO

Not applicable. The Applicant does not intend to provide payphone service.



(Signature of Applicant)

VERIFICATION

This application shall be verified under oath.

OATH

State of _____)

)ss

County of _____)

Kenneth A. Shulman. makes oath and says that he is CTO and EVP
(Insert here the name of affiant) (Insert the official title of the affiant)

of BROADVIEW NP ACQUISITION CORP. D/B/A BROADVIEW NET PLUS (Insert here
the exact legal title or name of the Applicant)

that he has examined the foregoing application and that to the best of his knowledge, information, and belief, all statements of fact contained in the said application are true, and the said application is a correct statement of the business and affairs of the above-named applicant in respect to each and every matter set forth therein.

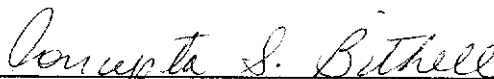


(Signature of affiant)

Subscribed and sworn to before me, a Notary Public/

(Title of person authorized to administer oaths)

in the State and County above named, this 16 day of 4, 2002.



(Signature of person authorized to administer oath)

My Commission Expires: 9-6-02